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| 10/820,906 | 04/08/2004 | Andrew J. Griffis | 6098.102US | 8849 |

7590 12/12/2007
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| EXAMINER |
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BHARADWAJ, KALPANA

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| ART UNIT | PAPER NUMBER |
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2129

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12/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/820,906

Applicant(s)

GRIFFIS ET AL.

Examiner

Bharadwaj Kalpana

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered May 11, 2007 for the patent application 10/663,218 filed on Sept 15, 2003.
2. All prior office actions are fully incorporated into this Office Action by reference.

Status of Claims

3. Claims 1-31 are canceled. Claims 32-39 are pending.
4. **EN:** If the applicant chooses to file an amendment, the examiner recommends that the claims be narrowed to include specific activities of the enterprise that the invention is trying to track and report.

Claim Objections

5. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).
6. Specifically, new claim 36 has been numbered twice.
Misnumbered claim 36 been renumbered 39.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 32:

Pfeiffer teaches a system for use in managing activity of interest within an enterprise, comprising a computer having a model for tracking objects in a scene related to the enterprise and configured to

(i) access key activity data comprising object data related to the features, locations, and activity of an object relative to other physically and visually distinct objects in a scene related to the enterprise (**Pfeiffer**, Abstract: earth and space, detect missiles, aircraft ... resident space objects).

(ii) receive sensor data that is taken in by a sensor of a predetermined scene related to the enterprise (**Pfeiffer**, C10L21-40: acquisition sensor data),

(iii) extract solely from the sensor data changes that enables separation of foreground and background objects, localization of object features, and connection of object features that should be connected (**Pfeiffer**, Abstract: target is separated from background scene),

(iv) classify the extracted objects in plurality of classes of objects of different features, shapes, and behavioral patterns (**Pfeiffer**, C78L60-65: classify the data set),

(v) determine whether an object is new to the object data in the computer and if so initiating tracking of the object and if the object exists as object data in the computer updating a track of the object (**Pfeiffer**, C64L25-50: Target Track Update algorithm), and update the computer model in accordance with the foregoing (**Pfeiffer**, C55-60: Tracking Object Classification), and

(vi) compare object data to key activity data to determine whether to generate a key activity message (**Pfeiffer**, C02L35-40: Generate Second platform Cue Message algorithm).

Claim 33, 39:

Pfeiffer teaches a system as defined in claim 32, wherein the computer is configured to make a preliminary determination from the sensor data as whether to extract from the sensor data one or more objects and the state of activity for each object (**Pfeiffer**, C33L10-20: Correlated Double Sampling algorithm ... Visible Sensor data) with respect to the state of activity of other physically distinct objects in the sensor data, irrespective of objective compliance (**Pfeiffer**, C60L05-10: determine the exact time and position).

Claim 34, 37:

Pfeiffer teaches a system as defined in claim 33, wherein in extracting from the sensor data the object and the state of activity for the object with respect to other physically distinct objects in the sensor data, irrespective of object compliance, the computer is configured to determine if the object has been previously extracted from sensor data or is being initially extracted from the sensor data (**Pfeiffer**, C33L10-20: Correlated Double Sampling algorithm; **EN**: One of the results of the 'correlation' algorithm is to figure out if the data had been previously extracted).

Claim 35:

Pfeiffer teaches a system as defined in claim 34, wherein the computer is configured (**Pfeiffer**, C22L34-50: capability of the ODP 43 to configure its operation) such that after the computer has processed the key activity data and the extracted data and determined whether to produce output that is related to the key activity (**Pfeiffer**, C80L20-40: Information for reporting ... related in-track peak), the computer is configured to receive additional sensor data taken in by the sensor of the predetermined scene related to the enterprise (**Pfeiffer**, C91L50-55: Scene-Based Offset Calibration algorithm), extract from the additional sensor data an object and the state of activity for the object with respect to the state of activity for other physically distinct objects in the sensor data, irrespective of object compliance, and process the key activity and the extracted data from the additional sensor data and determine whether to produce output that is related to the key activity (**Pfeiffer**, C01L20-25: Operation of Acquisition Sensor).

Claim 36, 38:

EN: Claims 36 and 38 are substantially similar in content to claims 32-35, and hence the same rejections apply. They have been left out here for brevity.

Response to Argument

8. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Examination Considerations

9. Examiner has cited particular columns and line numbers or paragraph numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. The entire reference is considered to provide disclosure relating to the claimed invention.

Conclusion

10. Claims 32-39 are rejected.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Correspondence Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharadwaj Kalpana whose telephone number is (571) 270-1641. The examiner can normally be reached on Monday-Friday 7:30am 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KB

Dec 09, 2007


JOSEPH P. HIRL
PRIMARY EXAMINER
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